

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Michael Fantuzzi

Application No. 10/674,268

Filed: September 29, 2003

For: SOLUBILIZED CoQ-10

Examiner: Kosson, Rosanne

Art Unit: 1652

Confirmation No. 3101

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§1.97(c)(2), 1.98 and 1.17(p)**

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Examiner is requested to consider the references noted on the enclosed Form PTO/SB/08A and B during examination of the above-identified patent application. These references are submitted for the Examiner's consideration and are submitted pursuant to the duty of disclosure under 37 C.F.R. § 1.56. In submitting these references, no representation is made or implied that the references are or are not material to the examination of the application. The Examiner is requested to review the cited references and is encouraged to make his or her own determination of materiality of the references cited on the enclosed Form PTO/SB/08A and B. Pursuant to 37 C.F.R. § 1.98(d), copies of all foreign and non-patent literature references cited on the attached Form PTO/SB/08A and B were previously furnished to or cited by the Patent Office in Application No. 10/953,328, filed September 29, 2004. Copies of the U.S. patent and U.S. patent application publication references are not provided, unless required by the Office.

The following patent is not in the English language: JP 5770815. An English translation of the abstract is attached to the patent, which is enclosed, to satisfy the requirement for a concise explanation of relevance.

The following patent is not in the English language: JP S57142911. An English translation of the patent is attached to satisfy the requirement for a concise explanation of relevance.

The following patent is not in the English language: JP S57042616. The patent was cited on February 2, 2005, with an English-language abstract. The patent is cited again with this Supplemental Information Disclosure Statement, and includes a full English translation.

Applicant directs the Examiner's attention to *McKesson Information Solutions, Inc. v. Bridge Medical, Inc.*, 487 F.3d 897, in which the Federal Circuit Court held that inequitable conduct existed on behalf of applicant for failure to disclose "items of information during prosecution . . . of copending applications." Out of an abundance of caution, Applicant has cited on the enclosed Form PTO/SB/08A and B prosecution documents of applications related to the above-referenced application.

This Supplemental Information Disclosure Statement is being filed after the period specified in 37 C.F.R. § 1.97(b), but before the mailing date of either 1) a final action under 37 C.F.R. § 1.113, or 2) a notice of allowance under 37 C.F.R. § 1.311. Pursuant to 37 C.F.R. § 1.17(p), please charge \$180.00 to Deposit Account No. 04-1415. If any additional fees are deemed necessary, such fees may also be charged to Deposit Account No. 04-1415.

If the Examiner has any questions, please contact the undersigned attorney.

Signed this 20 day of September, 2011.

Respectfully submitted,



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